

REMARKS

Reconsideration of this application as amended herein is respectfully requested. Claims 10-11, 13-17 and 28 have been amended.

35 U.S.C. § 102 Rejections

The Examiner rejected Claims 1 and 19 under 35 U.S.C. 102(e) as being anticipated by Menelli, et al. (US Patent No. 6,321,078) (hereinafter “Menelli”). The Applicant respectfully submits that Claim 1 contains limitations not disclosed in Menelli, and is thus in condition for allowance under 35 U.S.C. § 102(e). Specifically, Menelli does not disclose “storing in [a] pre-existing address book program entry, a date and time at which [an] incoming call was received”

The method of Menelli will search an address book “to see if the phone number associated with the call is known or can be found among received identifiers.” Menelli, Col. 5, Lines 53-55. However, if a “matching address book record or entry” is found, the method “generates a new record in an expense database implemented via the software.” Menelli, Col. 5, Lines 59-60 and Col. 6, Lines 24-26. Generating a new record in an expense database is not the same as storing the date and time of a telephone call in a pre-existing address book program entry, as recited in Claim 1. In fact, Menelli does not disclose or suggest any mechanism for updating an address book in response to an incoming call.

Furthermore, Menelli does not disclose “automatically creating a new address book program entry that includes a date and time at which [an] incoming call was received” as recited in Claim 1. Instead, the method of Menelli “generates a new record in an expense database.” Menelli, Col. 6, Lines 24-25. Applicant respectfully submits that an expense database record and an address book program entry are not the same. The former is freshly created regardless of whether a matching pre-existing address book entry is found or not. The latter is only updated when a matching entry is found and freshly created only when no matching entry is found. The reason for these differences is evident in the purpose each type of entry serves. The expense database record is intended to apprise the user of all calls and corresponding costs that fit “the user selectable parameters and the identifiers.” Menelli, Col.2, Lines 25-26. Thus an expense database record must be generated for each individual call. In contrast, an address book program is intended to give the user convenient access to a particular entry and needs only reflect the

details associated with the last call or group of calls, as opposed to every call. Specification, paragraph 0016.

In light of the preceding arguments, the Applicant respectfully submits that Menelli does not anticipate Claim 1 and that, accordingly, Claim 1 is in condition for allowance under 35 U.S.C. § 102(e).

Claim 19 contains limitations of Claim 1 not disclosed by Menelli. Thus, for the same reasons asserted in favor of allowance of Claim 1, the Applicant submits that Claim 19 is in condition for allowance under 35 U.S.C. § 102(e).

35 U.S.C. § 103 Rejections

Claims 2, 3, 7, 8, 10-12, 14, 16-17, 20-21 and 25-35

The Examiner rejected Claims 2, 3, 7, 8, 10-12, 14, 16-17, 20-21 and 25-35 under 35 U.S.C. § 103(a) as being unpatentable over Menelli in view of Windsor, et al (US Patent No. 5,734,706) (hereinafter “Windsor”).

Claims 2 and 20 contain all of the limitations of Claims 1 and 19, respectively. As such, Applicant resubmits all of the statements made above with respect to the § 102 rejections of Claims 1 and 19. Specifically, neither Menelli nor Windsor suggest the feature of “storing in [a] pre-existing address book program entry, a date and time at which [an] incoming call was received,” as recited in Claim 1 and 19. Furthermore, neither reference, Menelli nor Windsor suggest the feature of “automatically creating a new address book program entry that includes a date and time at which [an] incoming call was received,” as recited in Claims 1 and 19.

Windsor discloses “a method and system for extracting and formatting information from basic telephone signals, either incoming or outgoing, and storing, displaying and/ or printing information pertaining thereto,” but does not suggest use of an address book. Windsor, Col. 2, Lines 50-53.

In fact, Menelli teaches away from the feature of “storing in [a] pre-existing address book program entry, a date and time at which [an] incoming call was received” by storing incoming call information to an expense database record. The “expense database” is a single database used to record information for all calls within the parameters specified by the user. Thus, a new entry is created for each call. By contrast, in Claims 1 and 19, each address book entry is updated to

reflect information from the most recent call or group of calls. By pursuing a solution “for efficiently generating and displaying expense reports” within an “expense database,” Menelli directs a person having ordinary skill in the art away from the use of automatically-updateable address book entries. See, e.g., Menelli, Col. 1, Lines 46-48. Accordingly, the Applicant respectfully submits that Claims 2 and 20, which depend from Claims 1 and 19, respectively, are in condition for allowance under 35 U.S.C. § 103(a).

Regarding the rejection of Claim 3, the Examiner states that incorporating the teaching of Windsor “mak[es] it possible to assemble complete information associated with callers in a call log for future references.” Office Action of 3/31/03, page 3, paragraph 4. The Applicant respectfully submits that this does not render Claim 3 obvious with respect to Menelli and Windsor. Claim 3 recites “updating [a] pre-existing address book entry with [a] caller name and/or telephone number determined from [an] incoming call.” By way of example and not limitation, in one embodiment described in the specification of the present application, “the call information from the caller identification device relates to a name in the address book program, but the phone number associated with the name and the caller identification device is not the same as the phone number associated with the name in the address book program.” Specification, paragraph 0021. By contrast, call log entries such as those described in Windsor are not individually updateable. Finally, Claim 3 depends from Claim 1, which, as stated above, is by itself nonobvious with respect to Menelli in view of Windsor. Accordingly, the Applicant respectfully submits that Claim 3 is in condition for allowance under 35 U.S.C. § 103(a).

Regarding Claims 7-8, 21 and 25-27, the Applicant respectfully submits that Menelli and Windsor do not suggest “supplementing said pre-existing address book entry” as recited in Claims 7 and 25. Minelli and Windsor also do not suggest “replacing said telephone number stored in said pre-existing address book entry” as recited in Claims 8 and 26. Windsor, on the other hand, discloses filling in any missing information that was not derived from the call itself. Windsor, Col. 9, Lines 21-30, 56-65. Filling in missing information is not the same as supplementing an entry or replacing pre-existing data in an entry. Claim 21 contains limitations similar to those of Claim 3 and is nonobvious with respect to Menelli and Windsor in light of the arguments for allowance of Claim 3. Claim 27 depends from Claim 19, which is by itself nonobvious with respect to Menelli in view of Windsor. Accordingly, the Applicant submits that Claims 7-8, 21, and 25-27 are in condition for allowance under 35 U.S.C. § 103(a).

The Applicant respectfully submits that Claim 10, as amended herein, contains limitations not obvious in light of Menelli and Windsor. Specifically, Claim 10 recites “designating whether the call is a sent call, a received call, or a missed call” when a new calendar entry is created. Specification, Fig. 2. Menelli does not suggest using a “missed call” designation because Menelli deals with expense reports for telephone calls. A missed call does not incur any expense, and is thus discarded by the method in Menelli. Menelli, Fig. 2; Col. 6, Lines 1-2. Furthermore, Windsor does not suggest designating a call as sent, received or missed. Accordingly, the Applicant submits that Claim 10 is in condition for allowance under 35 U.S.C. § 103(a).

The Applicant submits that Claim 28, as amended herein, contains limitations similar to those in Claim 1 that are nonobvious with respect to Menelli and Windsor. Specifically, if a pre-existing address book entry is found to match the call information, the entry is updated with the date and time of the call. If there is no match found, a new entry is created. Accordingly, for the same reasons stated in the response to the rejections of Claims 2 and 20, the Applicant respectfully submits that Claim 28 is in condition for allowance under 35 U.S.C. § 103(a).

Claims 11, 12 and 14 depend from Claim 10, which the Applicant has asserted above to be nonobvious with respect to Menelli and Windsor. Accordingly, the Applicant respectfully submits that Claims 11, 12, and 14 are in condition for allowance under 35 U.S.C. § 103(a).

Claims 16 and 17 depend from Claim 11, which the Applicant has asserted above to be nonobvious with respect to Menelli and Windsor. Furthermore, Claim 16 contains the same feature of supplementing the address book as that recited in Claims 7 and 25, and Claim 17 contains the same feature of replacing a telephone number as that recited in Claims 8 and 26. As stated above, Claims 7-8 and 25-26 are nonobvious with respect to Menelli and Windsor. Accordingly, the Applicant respectfully submits that Claims 16 and 17 are also in condition for allowance under 35 U.S.C. § 103(a).

Claim 29 was previously cancelled and should be removed from consideration.

Claims 30 and 31 depend from Claim 28, which the Applicant has asserted above to be nonobvious with respect to Menelli and Windsor. Accordingly, the Applicant respectfully submits that Claims 30 and 31 are in condition for allowance under 35 U.S.C. § 103(a).

Claims 32 and 33 depend from Claim 31, which the Applicant has asserted above to be nonobvious with respect to Menelli and Windsor. Furthermore, Claim 32 contains the same

feature of supplementing the address book as that recited in Claims 7, 16 and 25, and Claim 33 contains the same feature of replacing a telephone number as that recited in Claims 8, 17 and 26. As stated above, Claims 7-8, 16-17 and 25-26 are nonobvious with respect to Menelli and Windsor. Accordingly, the Applicant respectfully submits that Claims 32 and 33 are also in condition for allowance under 35 U.S.C. § 103(a).

Claims 34 and 35 depend from Claim 32, which the Applicant has asserted above to be nonobvious with respect to Menelli and Windsor. Accordingly, the Applicant respectfully submits that Claims 34 and 35 are in condition for allowance under 35 U.S.C. § 103(a).

Claims 4 and 22

Claims 4 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Menelli in view of Hirai (US Patent No. 5,446,785) (hereinafter “Hirai”) or Ananikian et al. (US Patent No. 6,266,403) (hereinafter “Ananikian”).

In response to the § 103(a) rejections of Claims 2 and 20, the Applicant detailed the reasons why Claims 1 and 19 were nonobvious with respect to Menelli. Specifically, Menelli does not suggest the use of an updatable address book entry and, by disclosing a method for efficiently generating and displaying expense reports, taught away from the method of Claim 1 and the machine-readable medium of Claim 19. Likewise, neither Hirai nor Ananikian suggest the use of an address book. Both references disclose a telecommunication device for telephone calls that imparts to the party called information regarding the calling party and whether such call was responded to or not. Ananikian, Col. 1, Lines 11-21 and 36-44. Hirai, Col. 4, Lines 11-17. Thus Claims 1 and 19 are nonobvious with respect to Menelli in view of Hirai or Ananikian. Claims 4 and 22 depend from Claims 1 and 19 respectively. Accordingly, the Applicant respectfully submits that Claims 4 and 22 are in condition for allowance under 35 U.S.C. § 103(a).

Claims 5, 9 and 23

Claims 5, 9 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Menelli in view of Figa, et al (US Patent No. 4,924,496) (hereinafter “Figa”).

Claims 5 and 9 depend from Claim 1, and Claim 23 depends from Claim 19. The Applicant has stated above why Claims 1 and 19 are nonobvious with respect to Menelli. In addition, although Figa discloses storing the date and time of an incoming call as well as an outgoing call, Figa, Col. 2, Lines 53-56 and Col. 3, Lines 2-3, there is no suggestion of updating

such information in a “pre-existing address book program entry” as recited in Claims 1 and 19. Claims 1 and 19 are thus nonobvious with respect to Menelli in view of Figa. Accordingly, the Applicant respectfully submits that Claims 5, 9 and 23 are in condition for allowance under 35 U.S.C. § 103(a).

Claims 6 and 24

Claims 6 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Menelli in view of Brandon (US Patent No. 5,903,632) (hereinafter “Brandon”).

Claims 6 and 24 depend from Claims 1 and 19 respectively. The Applicant has previously stated why Claims 1 and 19 are nonobvious with respect to Menelli. Furthermore, Brandon does not suggest updating the date and time of a call in a “pre-existing address book program entry.” Rather, Brandon discloses a telephone directory system that requires no manual data entry and partitions the system into a series of individual and combined databases. Brandon, Col. 1, Lines 38-49. Claims 1 and 19 are thus nonobvious with respect to Menelli in view of Brandon. Accordingly, the Applicant respectfully submits that Claims 6 and 24 are in condition for allowance under 35 U.S.C. § 103(a).

Claim 13

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Menelli in view of Windsor, et al (US Patent No. 5,734,706) and further in view of Hirai (US Patent No. 5,446,785) or Ananikian et al. (US Patent No. 6,266,403) (hereinafter “Ananikian”).

Claim 13 depends from Claim 10 and incorporates all of the limitations thereof. As stated above, the method from Menelli discards missed calls because such calls cannot be billed on an expense report. Also, Windsor does not suggest designating a call as sent, received or missed. To the extent that Hirai and Ananikian teach indicating whether a call was responded to or not, they are antithetical to the method of Menelli. Thus, it would not have been obvious to a person having ordinary skill in the art to combine that particular aspect of Hirai or Ananikian to the teachings of Menelli and Windsor to arrive at the method of Claim 10. Accordingly, the Applicant respectfully submits that Claim 13 is nonobvious with respect to Menelli in view of Windsor and Hirai or Ananikian and is in condition for allowance under 35 U.S.C. § 103(a).

Claim 18

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Menelli in view of Windsor, et al (US Patent No. 5,734,706) and further in view of Figa, et al (US Patent No. 4,924,496).

Claim 18 depends from Claim 10 which the Applicant respectfully submits is nonobvious with respect to Menelli and Windsor for the reasons set forth above. Specifically, neither of the two references suggests designating a call as sent, received, or missed. Because Figa does not teach such a designation, the Applicant respectfully submits that Claim 18 is in condition for allowance under 35 U.S.C. § 103(a).

Claim 15

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Menelli in view of Windsor, et al (US Patent No. 5,734,706) and further in view of Brandon (US Patent No. 5,903,632).

Claim 15 depends from Claim 10 which the Applicant respectfully submits is nonobvious with respect to Menelli and Windsor for the reasons set forth above. Specifically, neither of the two references suggests designating a call as sent, received, or missed. Because Brandon does not teach such a designation, the Applicant respectfully submits that Claim 15 is in condition for allowance under 35 U.S.C. § 103(a).

CONCLUSION

For all of the foregoing reasons, Applicant respectfully submits that Claims 1-28 and 30-35 are in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Thomas C. Webster at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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